

January 7, 1999



OFFICE OF THE  
ATTORNEY GENERAL  
STATE OF TEXAS

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JOHN CORNYN  
Attorney General

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Mr. Saul Pedregon  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
2014 Main, Room 206  
Dallas, Texas 75201

OR99-0021

Dear Mr. Pedregon:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 121053.

The Dallas Police Department (the "department") received a request for all documents pertaining to a specific individual. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with the common-law right to privacy. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," including information protected by the common-law right of privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 683-85 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). The requestor is asking for any unspecified records in which the named individual is identified. The requestor is, in essence, asking that the department compile this individual's criminal history. Where an individual's criminal history information has been compiled by a governmental entity, the information takes on a character that implicates the individual's right to privacy. *See United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989) (concluding that federal regulations which limit access to criminal history record information that states obtain from the federal government or other states recognize privacy interest in such information). Similarly, open records decisions issued by this office acknowledge this privacy interest. *See Open Records Decision Nos. 616 (1993), 565 (1990)*. The department, therefore, must withhold all

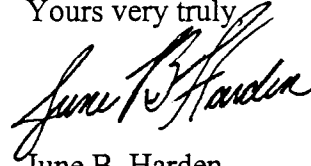
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compilations of the referenced individuals' criminal histories pursuant to section 552.101.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" and last name "Harden" clearly distinguishable.

June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/ch

Ref.: ID# 121053

Enclosures: Submitted documents

cc: Ms. Sheila Simmons  
15111 Preston Road, #107-323  
Dallas, Texas 75248  
(w/o enclosures)